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JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 3643
LARSEN, Jesper Kristoffer	)	Examiner: PRICE, RICHARD T.
Serial No.: 09/623,426	)	Washington, D.C.
Filed: April 3, 2001	)	January 3, 2005
For: ANIMAL BREEDING SYSTEM	)	Docket No.: LARSEN=1
	)	Confirmation No.: 5642

PETITION TO RESET PERIOD FOR REPLY,
IN VIEW OF LATE RECEIPT OF OFFICE
ACTION, PURSUANT TO MPEP 710.06(I)

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

S i r :

1. On December 29, 2004, Applicants received an election of species requirement with a mail date of February 25, 2004. Thus, at the time of receipt, it was already too late to respond, even with a five month extension of time.

Pursuant to MPEP 710.06(I), Applicants request that the period for reply be reset to run from December 29, 2004. In support of the petition, Applicants enclose (1) a copy of the front page of the office action, bearing the date stamp (Ex. A), (2) a copy of the relevant page of the Browdy and Neimark incoming PTO mail log (Ex. B), and (3) an explanatory declaration executed by Erin Geraghty, who supervises the mailroom staff.

While it may not be evident from the copy, the original of the office action clearly has an address label pasted over the original address, and it is possible to see through the label and see that the office action was originally mailed to Counsel's old address at 419 Seventh St. We presume that the office action was

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returned to the PTO as undeliverable, that a PTO clerk applied the label (the correct address already being known to the PTO as explained below), and remailed the action to our correct address at 624 Ninth St., but that the PTO inadvertently failed to note the new mail date on the re-mailed action.

Reviewing the file, we see that the national stage fee was paid on September 5, 2000, and that our application transmittal letter bore our current address of 624 Ninth St. A Notification of Missing Requirements was mailed to that address on March 8, 2001.

We responded on March 26, 2001, submitting a 1.63 declaration. That declaration cited our old address of 419 Seventh St.

Consequently, on April 3, 2001, we filed another response to the NMR, enclosing another copy of the declaration, as well as an application data sheet (Ex. C). The latter indicated that correspondence should be directed to customer number 001444, with which our correct address was and is associated. The transmittal sheet (Ex. E) indicated that the ADS "corrects certain information on the declaration". Note that under 37 CFR 1.76(d)(2) in the event of an inconsistency between simultaneously submitted declaration and ADS, the ADS controls vis-a-vis most matters, including the correspondence address. A copy of our postcard receipt for the ADS is enclosed as Ex. D.

On May 6, 2001, we were mailed a notification of acceptance, which was directed to the correct address. However, since then, several papers have inexplicably been mailed to 419 Seventh St.: (1) the restriction mailed November 91, 2002, (2) an action on the merits mailed April 10, 2002 but remailed, to the correct address, on May 12, 2003, the period reset without any action on our part; and (3) the action complained of here, also remailed to our correct address but without a reset.

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It is evident from the remailings (2) and (3) noted above that the PTO is well aware that the correct correspondence address for this case is the one presently associated with customer number 001444, per our April 3, 2001 ADS.

We don't know why the erroneous address keeps creeping back, but we beseech the PTO to correct all relevant records so that future actions are mailed to the correct address per customer number 001444. That address is presently 624 Ninth St., N.W., Washington, D.C. 20001.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By: 

Iver P. Cooper
Reg. No. 28,005

Enclosures

-Exhibits A-E

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms
G:\ipc\n-g\Plou\larsen1\pto petition to reset.wpd



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 3643
LARSEN, Jesper Kristoffer	)	Examiner: PRICE, RICHARD T.
Serial No.: 09/623,426	)	Washington, D.C.
Filed: April 3, 2001	)	Docket No.: LARSEN=1
For: ANIMAL BREEDING SYSTEM	)	Confirmation No.: 5642

DECLARATION OF ERIN GERAGHTY

I, Erin Geraghty, hereby declare:

1. I am an employee of Browdy and Neimark, P.L.L.C., the law firm representing applicants, and one of my responsibilities is the supervision of mailroom staff.

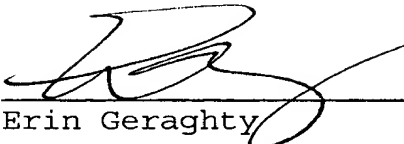
When mail is received from the PTO, it is first logged in, and then given to our docketing department.

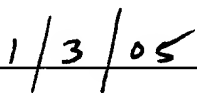
The office action dated February 25, 2004 was brought to my attention on the day of its receipt, which was December 29, 2004. It was so stamped and logged in, and then given to the responsible attorney, Iver Cooper, for further action. A copy of the front page of the date receipt stamped office action is attached hereto as Exhibit A, and a copy of the relevant page of the incoming mail log, with entries for other cases blacked out to preserve confidentiality, is attached as Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

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jeopardize the validity of the application or any patent issued thereon.


Erin Geraghty


Date

Enclosures

-Exhibits A-B

IPC:lms

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UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 03 2005

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,426	09/23/2001	Jesper Kristoffer Larsen	LARSEN1	5642

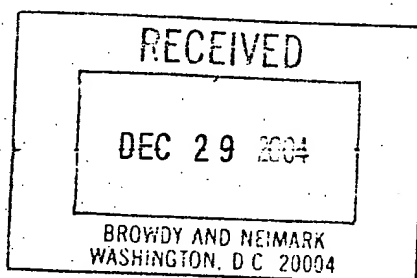
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, N.W.
WASHINGTON, D.C. 20001

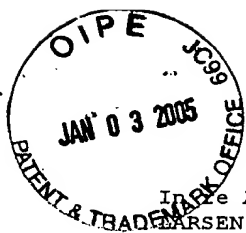
EXAMINER
PRICE, RICHARD THOMAS JR
ART UNIT
PAPER NUMBER

3643

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.





Atty's Dkt: LARSEN=1

Exe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In Re Application of:) Application Division
LARSEN, Jesper Kristoffer) ATTN: PCT
Serial No.: 09/623,426) Washington, D.C.
IA Filing Date: 02 March 1999) Confirmation No.
For: ANIMAL BREEDING SYSTEM) APRIL 03, 2001

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTIFICATION OF MISSING REQUIREMENTS..." dated March 08, 2001.

- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by PCT information and priority information.
- [XX] Applicant claims small entity status. See CR 1.27.
- [XX] Application Data Sheet. (This corrects certain information on the Declaration)
- [] Surcharge for late filing of the Declaration in the amount of:
- | | |
|--------------|-------------------------|
| Small Entity | Other than Small Entity |
| [] \$65.00 | [] \$130.00 |
- [] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity	Other Than Small Entity
Response Filed Within	Response Filed Within
[] First - \$ 55.00	[] First - \$ 110.00
[] Second - \$ 195.00	[] Second - \$ 390.00
[] Third - \$ 445.00	[] Third - \$ 890.00
[] Fourth - \$ 695.00	[] Fourth - \$1,390.00
Month After Time Period Set	Month After Time Period Set

- [XX] Conditional Petition for Extension of Time:
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$ is enclosed to cover the above fees.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.w
Attorneys for Applicant(s)

(202) 628-5197

IPC:tw

By: 

Peter P. Cooper

Registration No. 28,005

*Copy made before original signed;
re-signed 1/3/05*

INVENTOR INFORMATION

Inventor One Given Name:: Jasper K
Family Name:: LARSEN
Postal Address Line One:: Stabelhjernevej 19
City:: Daugard
Country:: Denmark
Postal or Zip Code:: DK-8721
Citizenship Country:: DENMARK

COPY

Ex C.

CORRESPONDENCE INFORMATION

Correspondence Customer Number:: 001444
Fax One:: 202-737-3528
Electronic Mail One:: BrowdyNeimark.com

APPLICATION INFORMATION

Title Line One:: ANIMAL BREEDING SYSTEM
Total Drawing Sheets:: 30
Formal Drawings?: Yes
Application Type:: Utility
Docket Number:: LARSEN1
Secrecy Order in Parent Appl.?: No

CONTINUITY INFORMATION

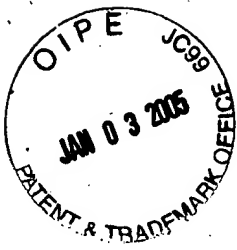
This application is a:: National Stage of
> Application One:: PCT/DK99/00098
Filing Date:: 03-02-1999

PRIOR FOREIGN APPLICATIONS

Foreign Application One:: PA 1998 00287
Filing Date:: 03-03-1998
Country:: Denmark
Priority Claimed:: Yes
Foreign Application Two:: PA 1998 01730
Filing Date:: 12-23-1998
Country:: Denmark
Priority Claimed:: Yes

Source:: PrintEFS Version 1.0.1





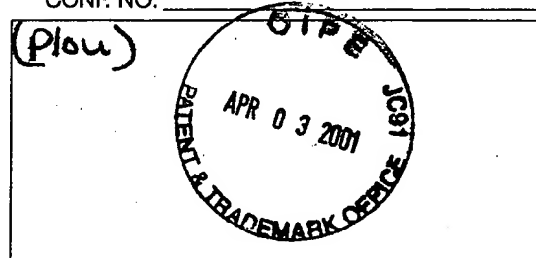
Ex. D

APPLICANT(S): LARSEN, Jasper K
APPLICATION NO: 09/623,426

DOCKET NO.: Larsen=1
CONF. NO: _____

THE PATENT AND TRADEMARK OFFICE STAMP
HEREON ACKNOWLEDGES RECEIPT OF THE
FOLLOWING PAPERS:

- ☐ FEES \$ _____
- ☐ PTO FORM 2038 ☐ (CH. # _____)
- ☐ EXTENSION OF TIME (_____ MONTHS)
- ☐ TRANSMITTAL LETTER
- ☒ MISSING PARTS RESPONSE WITH DECL
- ☐ AMENDMENT
 - ☐ PRELIMINARY ☐ SUPPLEMENTAL
- ☐ REPLY TO OFFICE ACTION
- ☐ RESTRICTION/ELECTION REPLY
- ☐ SEQUENCE LISTING ☐ WITH DISK
- ☐ RCE / CPA TRANSMITTAL (circle one)
- ☐ NOTICE OF APPEAL
- ☐ APPEAL BRIEF (TRIPPLICATE)
- ☐ REPLY BRIEF (TRIPPLICATE)
- ☒ OTHER Patent Application Bibliographic Data Sheet



- ☐ ASSIGNMENT
- ☐ INFORMATION DISCLOSURE STATEMENT
- ☐ FORM 1449 & _____ PATENTS/PUBS
- ☐ PRIORITY DOCUMENT(S) NO. _____
- ☐ DECLARATION UNDER § _____
- ☐ LETTER TO DRAFTSMAN
 - ☐ _____ SHEETS OF DRAWINGS
- ☐ ISSUE FEE TRANSMITTAL FORM
- ☐ MAINTENANCE FEE LETTER

B&N-2

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